1950.

K

File No. B. Dist. Munis. and Munis Boroughs Legal Deptt. /50

B **BRANCH**

Subject:— A Bill to amend the Bombay District Municipal Act 1901 and the Bombay Municipal Boroughs Act 1925

L.A. Bill No. XXXVII of 1950

Bom. Act No. XL of 1950

P-9
E

File No. B. Dist. Munis and Munis Boroughs /50

Gen. 194 e.

8/2-B

The requisite draft Bill is sent herewith.

2. The proposal of the department to make the retiring President or Vice-President liable for prosecution under section 186 of the Indian Penal Code will not be possible and is likely to lead to difficulties. The section requires a promulgation of an order and relates to disobedience which causes or tends to cause (1) obstruction, annoyance or injury or risk of obstruction, annoyance or injury, to any person lawfully employed, or (2) danger to human life, health or safety, or (3) a riot or affray. In the revised draft Bill a new contained provision has been made in sub-section (3) of new section 234-A/23A for imposing penalty for refusal to hand over charge to the new President or Vice-President.

3. The subject matter of the Bill falls under entries 5 and 64 in List II in Seventh Schedule to the Constitution of India. The Bill does not require any sanction or recommendation under the Constitution. After the Bill is passed it will not be necessary to reserve the Bill for the consideration of the President under article 254(2).

Sd/.....1/4.

Additional Secretary to Government

U.R. to L.S.G. & P.H.D.No. 4531, dated the 30th ~~MARCH~~ April 19 50.

DVR.

7/5.

Sd.

Legal Department.

Revised draft amendments are sent herewith.

2. The first amendment may be inserted as clause 7 in the consolidated draft Bill sent to the Department with U.R.No.6448 dated 20th June 1950.Clause 7 in that draft Bill may be renumbered as clause 8. After that clause the second amendment sent herewith should be inserted as clause 9.

Sd/.....11/7.

Additional Secretary to Government.

U.R. to L.S.G. & P.H.D.No. 9747, dated the 18th July 1950.

BTR.

7/6.

Se.

No. 177-L.

Legal Department.
Council Hall, Poona, 24th October 1950.

IMMEDIATE.

From

Shri J.R.Dhurandhar,
Additional Secretary to the Government
Of Bombay, Legal Department.

The Secretary to the Governor of Bombay.

Subject: The Bombay District Municipal and Bombay Municipal Boroughs(Amendment)Bill, 1950.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Bombay District Municipal and Bombay Municipal Boroughs (Amendment) Bill, 1950, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 27th September 1950 and the 10th October 1950, respectively.

2. The subject-matter of the Bill falls under entries 5 and 64 in List II in the Seventh Schedule to the Constitution of India. As the Bill does not relate to any matter enumerated in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith one copy of each of items Nos. 1, 2 and 4 and two copies of item No.3 of the papers noted in the margin. The Bill was not referred to a Select Committee.

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objections and Reasons.	
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
3. Bill as read for the third time and passed by the Bombay Legislative Council.	
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 27th September 1950 and of the Bombay Legislative Council dated the 10th October 1950.	

Yours faithfully,

Sd/....24/10.

Additional Secretary to Government.

Through:

The Secretary to the Government of Bombay,
Local Self Government and Public Health
Department.

BHR.
7/ 6.
Se.

No. G.S. -344.

13.

From

The Secretary to the Governor of Bombay.

To

The Additional Secretary to Government,

Legal Department.

Government House

Bombay, 6.Nov. 11. 1950.

Subject: The Bombay District Municipal and Bombay Municipal Boroughs(Amendment) Bill, 1950.

Sir,

With reference to your letter No. 177-L dated October 24, 1950, I am directed to return herewith the authentic copy of the Bombay District Municipal and Bombay Municipal Boroughs(Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon.

Yours faithfully,

Sd/.....

Secretary to the Governor of Bombay.

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DTR.

T/A. 5a.

ACTS. Publication of the Bombay District Municipal and Municipal Boroughs(Amendment) Act, 1950.

GOVERNMENT OF BOMBAY,

Legal Department

Resolution No. 15909.

Bombay Castle, 14th November 1950.

Letter to the Secretary to the Governor, No.177-L, dated the 24th October 1950.

Letter from the Secretary to the Governor, No.G.S.3411 dated the 11th November 1950.

"With reference to your letter No. 177-L dated October 24, 1950, I am directed to return herewith the authentic copy of the Bombay District Municipal and Bombay Municipal Boroughs(Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon".

RESOLUTION:- The law should be published as Bombay Act No. XL of 1950, in the Bombay Government Gazette dated the 15th November 1950.

2. The Act should be translated into Marathi, Gujarâti, Kannada and Hindi(in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Local Self Government and Public Health Department.

By order of the Governor of Bombay,

S.L.Chaudhari,

Assistant Secretary to Government.

To,

Copies Extra.

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Bom. Act: No XL of 1950

I. A. BILL No. XXXVII OF 1950.

A Bill to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

(As read for the third time and passed by the Legislative Assembly on the 27th September 1950.)

(As read for the third time and passed by the Legislative Council on the 10th October 1950.)

Bom. V of 1901. Bom. XVIII of 1925.

WHEREAS it is expedient to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay District Municipal and Bombay Municipal Boroughs (Amendment) Act, 1950. Short title.

Bom. III of 1901.

2. In section 23 of the Bombay District Municipal Act, 1901, hereinafter referred to as the District Municipal Act, for sub-sections (*9*), (*10*) and (*11*), the following shall be substituted, namely:— Amendment of section 23 of Bom. III of 1901.

"(*9*) The meeting called under sub-section (*8*) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a municipality when presiding over a meeting of the municipality has, but shall not have the right to vote:

Provided that notwithstanding anything contained in section 26, the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

(*10*) No business other than the election of the President and the Vice-President shall be transacted at such meeting.

(*11*) If in the election of the President or the Vice-President there is an equality of votes, the result of the election shall be decided by lot to be drawn in the presence of the Collector or the officer presiding in such manner as he may determine."

Insertion of new section 23A1 in Bom. III of 1901.

3. After section 23 of the District Municipal Act, the following new section shall be inserted, namely :—

Penalty for refusal to hand over charge to new President or Vice-President.

"*23A1.* (*1*) On the appointment or election of a new President or Vice-President, the retiring President or Vice-President in whose place the new President or Vice-President has been appointed or elected shall hand over charge of his office to such new President or Vice-President, as the case may be.

(*2*) If the retiring President or Vice-President fails or refuses to hand over charge of his office as required under sub-section (*1*), the State Government or any authority empowered by the State Government in this behalf may, by order in writing, direct the President or the Vice-President, as the case may be, to forthwith hand over charge of his office and all papers and property of the municipality, if any, in his possession as such President or Vice-President, to the new President or Vice-President.

(*3*) If the retiring President or Vice-President to whom a direction has been issued under sub-section (*2*) does not comply with such direction, he shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to Rs. 500 or with both."

Amendment of section 84A of Bom. III of 1901.

4. In section 84A of the District Municipal Act, after the word "distrained" the words "or attached" shall be inserted.

Amendment of section 85 of Bom. III of 1901.

5. In section 85 of the District Municipal Act, in clause (*b*), after the word "distress" the words "or attachment" shall be inserted.

Amendment of section 19A of Bom. XVIII of 1925.

6. In section 19A of the Bombay Municipal Boroughs Act, 1925, hereinafter referred to as the Municipal Boroughs Act, for sub-sections (*2*), (*3*) and (*4*), the following shall be substituted, namely :— Bom. XVIII of 1925.

"(*2*) The meeting called under sub-section (*1*) shall be presided over by the Collector or such officer as the Collector may by order in writing appoint in this behalf. The Collector or such officer shall, when presiding over such meeting, have the same powers as the President of a municipality when presiding over a meeting of the municipality has, but shall not have the right to vote :

Provided that notwithstanding anything contained in section 35, the Collector or the officer presiding over such meeting may, for reasons which in his opinion are sufficient, refuse to adjourn such meeting.

(*3*) No business other than the election of the President and the Vice-President shall be transacted at such meeting.

(*4*) If in the election of the President or the Vice-President there is an equality of votes, the result of the election shall be decided by lot to be drawn in the presence of the Collector or the officer presiding in such manner as he may determine."

Amendment of section 21 of Bom. XVIII of 1925.

7. Section 21 of the Municipal Boroughs Act shall be renumbered as sub-section (*1*) of that section and after sub-section (*1*) so renumbered the following sub-section shall be added, namely :—

"(*2*) A President or Vice-President shall also be removable from his office as such President or Vice-President by the State Government for misconduct, or neglect of, or incapacity to perform, his duty and the President or Vice-President so removed shall not be eligible for re-election as a President or Vice-President during the remainder of the term of office of the municipality."

Insertion of new section 23A in Bom. XVIII of 1925.

8. After section 23 of the Municipal Boroughs Act the following new section shall be inserted, namely :—

Penalty for refusal to hand over charge to new President or Vice-President.

"*23A*. (*1*) On the election of a new President or Vice-President, the retiring President or Vice-President in whose place the new President or Vice-President has been elected shall hand over charge of his office to such new President or Vice-President, as the case may be.

(*2*) If the retiring President or Vice-President fails or refuses to hand over charge of his office as required under sub-section (*1*), the State Government or any authority empowered by the State Government in this behalf may, by order in writing, direct the President or the Vice-President, as the case may be, to forthwith hand over charge of his office and all papers and property of the municipality, if any, in his possession as such President or Vice-President, to the new President or Vice-President.

(*3*) If the retiring President or Vice-President to whom a direction has been issued under sub-section (*2*) does not comply with such direction, he shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to Rs. 500 or with both ".

Amendment of section 35 of Bom. XVIII of 1925.

9. In section 35 of the Municipal Boroughs Act, in sub-section (*2*), for the words "the vice-president may" the words "the Vice-President shall" shall be substituted

Government of Bombay.

LEGAL DEPARTMENT

[L. A. BILL No. XXXVII OF 1950

(As read for the third time and passed by the Legislative Assembly on the 27th September 1950.)

(As read for the third time and passed by the Legislative Council on the 10th October 1950.)

A Bill to amend the Bombay District Municipal Act, 1901, and the Bombay Municipal Boroughs Act, 1925.

[Shri G. D. VARTAK, M.L.A.]

Bk Hb 287—2

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS

Government of Bombay.

LEGAL DEPARTMENT

[L. A. BILL No. XXXVII OF 1950.

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